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## JOSEPH E. BROWN AND THE FLORIDA ELECTION OF 1876

by DERRELL ROBERTS

FLORIDA MEANS various things to many people. For some it means restored health and for others it has built fortunes, but for Joseph E. Brown it revived a sagging political career. By 1876, Brown had served as Georgia's Governor for an unprecedented eight year period which included the Civil War era. He had been Chief Justice of the Georgia Supreme Court for nearly two years and earlier had served terms as Superior Court Judge and State Senator. In 1876, Brown was ready to rejoin the Democratic party which he had bolted in 1868 to vote for U.S. Grant for President, an action which almost ruined his career. He joined the Liberal Republican movement in 1872 and this made a reunion with the Democratic party easier. His service in Florida in 1876 made him a full-fledged Democrat again and helped carry him to Washington as one of Georgia's United States Senators from 1880 to 1890.

While the Democratic party which Brown rejoined was not new to him, neither was Florida. Early in 1876, he suffered from a throat ailment and took a trip to Jacksonville. From there he travelled to various points of interest along the St. Johns River by boat. On his return to Atlanta, he described the trip in detail in a letter to the editor of the *Atlanta Constitution*.<sup>1</sup>

Before the general election in 1876, Brown took another trip, this time to Colorado, back across the Northern states and thence to Georgia. This was another attempt to cure his irritated throat. The trip gave him a chance to observe the political affairs of these states. Since Brown was "universally conceded in all this section" to have more political judgment "than any other living man," he was interviewed on the prospects of the outcome of the approaching presidential election.<sup>2</sup>

The choice between Samuel J. Tilden, Democrat, and Rutherford B. Hayes, Republican, Brown believed, would be

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1. *Atlanta Constitution*, April 27, 1876.

2. *Ibid.*, October 31, 1876.

very close "with chances decidedly favoring Tilden." Tilden had the advantage, he said, because of the military action Grant took in South Carolina. Many Republicans in Northern states feared that the same thing could happen in their own states in the form of a military dictatorship. Brown said, too, that he met many former Republicans who planned to vote Democratic because they simply "wanted to see things changed around." He said he got these opinions after talking to ordinary people over the country.<sup>3</sup>

The election on November 7, 1876, resulted in a dispute over the returns in Florida, South Carolina, Louisiana, and Oregon. Success in any one of these states would bring victory for the Democrats. Florida, it seemed, would be a logical state in which to center attention. While state officials were Republicans most of the county officials who had been recently elected were Democrats. This gave the Democrats the power to appoint local election officials. In the November election the Democrats gave Tilden a majority in the state and elected a Democratic governor, but the results were contested by the Republicans who charged the Democrats with fraud and illegal voting. There followed counter-charges by the Democrats.<sup>4</sup>

On November 12, Brown received a telegram from Abram S. Hewitt, of New York, Chairman of the Democratic Executive Committee, in which Hewitt said he and the party "earnestly" desired that Brown "go immediately to Florida and see that there is a fair and honest count and return."<sup>5</sup>

There were other requests, including a long petition signed by Atlanta people, asking that he go to Florida. Despite the rather serious throat irritation which had made the Colorado trip necessary earlier, he agreed to go, accompanied by his secretary.<sup>6</sup> P. M. B. Young, a North Georgia Democrat, also went as well as some other Democrats mostly from Pennsylvania.<sup>7</sup>

Henry W. Grady, then a young reporter who later edited the *Atlanta Constitution*, went to Florida soon after the election. He represented the *Atlanta Constitution* and the *New York Herald*. On November 14, he reported to the *Constitution* that Joe Brown

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3. *Ibid.*

4. William Watson Davis, *The Civil War and Reconstruction in Florida* (New York, 1913), 687-712.

5. *Atlanta Constitution*, November 13, 1876.

6. *Ibid.*

7. Brown Scrapbook, 1875-78, in the Brown Collection, University of Georgia Library. No title or date.

had "arrived and settled down to work." <sup>8</sup> Grady, who a few months before was writing violently anti-Brown editorials, now wrote about how glad he was to see Brown. Said Grady, "Wellington did not need Blucher more sorely in the crisis of the memorable day at Waterloo, than did the Democrats of this state and the nation need Joe Brown when that gentleman quietly walked into the Warwick Hotel [in Tallahassee] this morning. I was never so glad to see a man in my life! The Democrats are not the men for the crisis." <sup>9</sup>

Grady continued his reports on the situation in Florida. Except for two or three Democrats there, no one had any conception of the political situation, he said. The whole party was "inactive and inert" and the Democratic candidate for governor, George F. Drew, was still at home. There was no office open, no clerks were employed, there was no organization and no attempt at it. There was no money for any purpose and those "who sent dispatches paid the toll themselves." Added to the lack of enthusiasm and money on the part of the Democrats was the arrival of W. E. Chandler, according to Grady, "the smartest political adjuster in the north." Chandler held a blank check, with full authority to fill it out, and had willing workers to aid him in the Republican cause. <sup>10</sup>

Under these unfavorable circumstances Brown went to work. In two hours after his arrival, Grady wrote, "he had been all through the Florida law" on elections. After a meeting with the local manager, Brown, "with a smile on his lips and business in his eyes," told Grady that "things . . . [were] moving beautifully." The Democrats had acquired the necessary money; they would make no error of omission or commission. Even though it was "exceedingly inconvenient," Brown planned to stay in Florida until the dispute was settled. <sup>11</sup>

The Florida muddle moved from bad to worse. The Republican governor of the state, Marcellus Stearns, appointed a canvassing board made up of two Republicans and one Democrat to

8. *Atlanta Constitution*, November 16, 1876.

9. *Ibid.*, November 18, 1876. Grady and his partners published the *Atlanta Herald*. After some derogatory remarks in the paper concerning Brown, early in 1876, the Citizens Bank in Atlanta, of which Brown was a large stockholder, foreclosed on a mortgage given by the paper, thus putting it out of existence.

10. *Atlanta Constitution*, November 18, 1876.

11. *Ibid.*

canvass the disputed precincts. The Democrats filed an injunction against the action but despite the logical argument by Brown and others the Republicans were sustained. Brown's argument on the injunction was what Grady called "an exceedingly able opinion." His speech "won the highest plaudits . . . [of the day], and absolutely settled the law of the case."<sup>12</sup> Brown held that the governor had no right to appoint a canvassing board because one was already established by law, composed of the attorney general, secretary of state, and the comptroller.<sup>13</sup>

Brown remained in Florida to help argue the Democratic cause before the canvassing board appointed by Republican Governor Stearns. Brown's speech, Grady reported was "very exciting." He "gave the radical members thereof occasion to remember that he . . . [was] remaining in Florida for his health."<sup>14</sup> Following his speech before the board, Brown reported that Florida was "probably certain" for Tilden.<sup>15</sup> On the day the canvassing board finished its count, it was reported that the telegraph wires out of Tallahassee were cut.<sup>16</sup> Grady drove a rented team of horses to the nearest telegraph facilities at Drifton and by a "scoop," reported that the board counted the precincts in favor of Hayes and the Republicans.<sup>17</sup>

Brown commented: "The dark deed of infamy is done by throwing out Democratic counties and precincts in the teeth of the evidence and in shameless violation of the law." He said further that the "radical majority of the board of canvassers . . . declared the Hayes electors entitled to certificates." Nevertheless the attorney general, a Democrat and a member of the board, declared the Democratic electors victorious and issued certificates to Tilden electors.<sup>18</sup> Thus the Florida situation was not settled, and it was left up to Congress to decide which electors were valid.

After coming home, Grady reported that Brown had been seriously ill during the Florida trouble. Along with his throat ailment, he suffered from pneumonia which might have been "fatal in this changeable climate." His bed was surrounded by stacks of law books which were read to him, and ill as he was

12. *Ibid.*, November 25, 1876.

13. *Ibid.*, November 29, 1876.

14. *Ibid.*, November 30, 1876.

15. *Ibid.*, December 1, 1876.

16. *Ibid.*, December 6, 1876.

17. *Ibid.*

18. *Ibid.*

he "made up the skeleton of the legal argument" upon which the Democrats based their case.<sup>19</sup>

En route from Florida to Atlanta by train, Brown was approached by two prominent Republicans from Ohio who asked his opinion of the Florida situation. Members of Brown's party believed that these men were sent to Brown at Hayes' request. Brown told them he was "morally certain" the state had given Tilden a clear majority; the Hayes majority had been built up by direct and simple fraud. "No man who had a regard for the good opinion of his fellow-people could take the presidential chair on such a title as was furnished by Florida."<sup>20</sup>

Back in Atlanta, Brown told a newspaper reporter nothing could be done to keep the Republicans from taking the Florida vote. He said the Democrats collected enough evidence to convince anyone of the fraud, but the Democrats labored on under the disadvantage of having the state government controlled by Republicans. The Republicans also had the occupying troops to aid them in collecting fraudulent affidavits. Some army officers became disgusted with the work they had to do for the Republicans.<sup>21</sup>

To his friend, L. N. Trammell of Dalton, Georgia, Brown wrote that he did not "suppose that any human effort or human foresight could have prevented the result" in Florida. There was some hope though, and concerning this Brown said: "We must leave this matter in the hands of our northern Democratic friends. If they stand firm and show no disposition to waver, we will inaugurate Tilden without difficulty, in my opinion. But if there is any backing down of the Democracy of the north, the military will take the matter in charge and inaugurate Hayes by military force. This will be a subversion of our republican form of government and our future will be that of subjects of a military despotism."<sup>22</sup>

Meanwhile, news came that the Democratic governor of Oregon had certified a Democratic elector to cast the disputed vote of that state, which would have given Tilden the one vote he needed for election. Although this decision did not settle the elec-

19. *Ibid.*, December 8, 1876.

20. *Ibid.*, December 9, 1876.

21. *Ibid.*, December 10, 1876.

22. Brown to L. N. Trammell, December 12, 1876, in the L. N. Trammell papers, Emory University Library.

tion, most Democrats, including those in Atlanta, thought it did. Consequently on the night of December 12, 1876, a torchlight parade was staged to celebrate Tilden's victory. Charles Fairbanks, an Atlanta artist, made some drawings on posters that were illuminated and carried in the night procession. It included coats of arms of Southern states and pictures of prominent people including Brown. Under Brown's picture was the motto: "My judgment is we are all right." Another poster carried a slogan reading :

"A man named Brown  
Took them down."

The parade ended in front of the Markham House, where E. T. Clarke, an Atlanta *Constitution* official, opened the exercises there by reading a letter from Brown.<sup>23</sup>

In this letter, Brown explained his inability to appear on the program. While in Florida he had been stricken with pneumonia and his physician advised him not to go out into the night air to speak to the gathering. He believed as other Democrats did that Tilden would be inaugurated and that the Oregon vote could not be questioned. The Republican Congress would not investigate the Oregon vote because it would create a strong case for the Democrats to investigate the Republican frauds in Florida, Louisiana, and South Carolina. Under these circumstances, Brown said, "Believing that this will be the result and feeling that it gives us great cause for congratulations and rejoicing, I sincerely unite with you in the joy to which you will give expression on the . . . occasion."<sup>24</sup>

The press of Georgia was proud of Brown's efforts in Florida. An Augusta editor said: "Those who know the importance of Governor Brown's business interests can realize the magnitude of the sacrifice he is making. Governor Brown has labored earnestly and skillfully to prevent the Radicals from stealing the electoral votes of Florida from Mr. Tilden, and he deserves the thanks of the Democrats of Georgia and of the Democracy of the whole country."<sup>25</sup>

An Atlanta editor said that Brown's "labors in Florida in

23. Atlanta *Constitution*, December 13, 1876.

24. Brown to E. Y. Clarke, *et. al.*, December 12, 1876, in the Atlanta *Constitution*, December 13, 1876.

25. Augusta *Chronicle and Sentinel*, November 26, 1876.

behalf of justice and right have been arduous and long conditioned, and it is probably owing to his efforts, more than to any other cause, that the Democrats of that state will be able to make such an overwhelming and infamous showing of fraud on the part of the radicals.”<sup>26</sup> On the trip from Florida, Grady wrote it was “quite a noticeable fact that of the crowd who boarded the special train bearing the ‘visiting statesmen’ home, nine tenths of them asked for Governor Brown first.” Grady proclaimed him “the hero of the campaign and the hero of the homeward march.”<sup>27</sup>

In a Rome, Georgia, paper an article on Brown characterized him as “a perfect man, the noblest work of God.”<sup>28</sup> Brown, quite proud of his work in Florida, too, declared, “I feel the consciousness of having done at my own expense all that it was in my power to do there to protect the right and avert a calamity.”<sup>29</sup>

The settlement of the dispute came shortly before the inauguration of the president on March 4, 1877. Congress appointed an Electoral Commission and it decided in favor of Hayes, who was inaugurated. Meanwhile, further court action in Florida gave the state government to the Democrats and Drew was sworn in as governor.

The work of the Electoral Commission was augmented by an agreement reached between certain members of both major political parties. Included in this group were Senator John B. Gordon of Georgia, and Representative John Young Brown of Kentucky, both Democrats, and Charles Foster and Stanley Mathews, both Ohio Republicans. This meeting took place in Mathews’ room in the Wormley House in Washington. In these negotiations, the Democrats consented to allow Hayes’ inauguration if, in return, his administration would end Reconstruction in the South, give some offices to Democrats and help build the Southern Pacific Railroad.<sup>30</sup>

26. *Atlanta Constitution*, December 7, 1876.

27. *Ibid.*, December 9, 1876.

28. *Rome Evening News*, December 15, 1876. A clipping in the Brown Scrapbook, 1875-78, Brown Collection.

29. Brown to Trammell, December 12, 1876, Trammell Papers.

30. C. Vann Woodward, *Origins of the New South, 1877-1913*, (Baton Rouge, 1951), 23-50. See also the same author’s *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (Boston, 1951).



Even though the news of the agreement was not made public, Brown found out and was most displeased. Writing under the *nom de plume*, "Citizen," he exposed the agreement. He contended that had the commission been voted down the election would have been thrown into the Democratic House of Representatives and Tilden would have been chosen. He then would have removed the troops and ended Reconstruction in the South. As it happened the Democrats got only what they would have received under any circumstances, but they lost the national administration.<sup>31</sup>

In discussing the details of the agreement, Brown compared the situation in 1877 with the Adams-Clay "bargain" in 1824. He said that if no trade was made between the parties, then there was certainly a "capital understanding." He closed his letter with a statement to the effect that Gordon and John Young Brown had taken too much authority into their own hands and that "the consummation of that capital understanding . . . [was] not a feather in the cap of either of these statesmen."<sup>32</sup>

Gordon supporters were quick to ask for the name of the anonymous writer. Brown instructed the newspaper to publish his statement that he was "Citizen."<sup>33</sup> Gordon, in turn, denied any part in a trade. Brown then printed copies of letters between the principals in the agreement. He also answered charges by Gordon's supporters that he was a candidate for a Senate post. Brown replied that he was not a "candidate for election to the United States Senate, to fill the place now filled by General Gordon, at the expiration of his term. . . ." <sup>34</sup>

Brown's Reconstruction record as a member of the Republican party was attacked by the Gordon forces. To this charge, he replied that he had been a Republican in only one national campaign; the one in 1868. While he had been a Republican he was consistent and loyal. Nevertheless, said Brown, "I never was a party to the sale of four years of democratic administration for the performance of a single act by the opposition. And I certainly never would assume the responsibility as he [Gordon] did of making a trade for my party, if I could not make a better one than was made by him and his associates."<sup>35</sup>

31. *Atlanta Constitution*, April 7, 1877.

32. *Ibid.*

33. *Ibid.*, April 22, 1877.

34. *Ibid.*, May 2, 1877.

35. *Ibid.*

The *Atlanta Constitution*, by this time a Brown supporter but by no means an enemy of Gordon, had nothing to say editorially about the Brown-Gordon controversy. Dr. E. L. Connolly, Brown's son-in-law, wrote that E. P. Howell, President of the *Constitution*, told him that papers all over the state were "pitching into him for not having something to say about the Brown-Gordon correspondence. . . ." Connolly said that Howell went to see Brown to try to persuade him not to publish his latest letter, but he could not find him. Said Connolly, "I told him he would see which was the strong side before it was stopped."<sup>36</sup>

The New Orleans *Democrat* deprecated the dispute in view of all the work Gordon had done as a "visiting statesman" in South Carolina in 1876. Most of all, the editor disliked the hint of a split of any kind in the Democratic party at such a critical time. The real blame for the loss of the presidential election, he said, belonged to Tilden and "his eastern chiefs." "They were too deficient in pluck and common manliness to maintain what was gained," said the editor.<sup>37</sup>

The election of 1876, then, was significant in the nation in that it projected Republican domination of the executive branch of government for eight more years. For the South, it meant the completion of the Southern Pacific Railroad, the end of Reconstruction and the resumption of participation in the national government, Brown, on the strength of his work in the campaign, was reinstated as a member of the Democratic party and in 1880 he became one of Georgia's United States Senators.

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36. E. L. Connolly to Brown, May 20, 1877, Brown Collection.

37. New Orleans *Democrat*, quoted by the Athens *Georgian*, May 22, 1877.